

EXHIBIT A

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October 21, 2022

Via Email

Vincent Avery, Esq.
FordHarrison, LLP
366 Madison Avenue, 7th Floor
New York, NY 10017
VAvery@fordharrison.com

Re: GU SEON SONG v. SHINHAN BANK AMERICA (1:21-cv-11207)

Dear Mr. Avery,

Upon the review of the documents Defendant Shinhan Bank America (“Shinhan”) produced on October 14, 2022 in response to Plaintiff’s two Notices of Discovery and Inspection, we have found Shinhan’s response grossly deficient for the following reasons.

In Shinhan’s responses to Plaintiff’s first and second Notices of Discovery and Inspection, Shinhan represented that it would produce a number of the requested documents upon execution of the Confidentiality Agreement. However, Shinhan has not produced responsive documents for the following requests yet:

• **First Notices of Discovery and Inspection**

2. Any and all statements obtained by Shinhan from any other persons concerning any of the allegations set forth in Plaintiff’s complaint, including, but not limited to, audio recordings and written statements, including affidavits.
4. All documents reflecting the names, addresses, and telephone numbers of Shinhan’s Audit Committee Members from January 2019 to March 2020.
11. Any and all documents, records and/or communications in connection with the BSA/AML Report.

12. Shinhan's BSA/AML Risk Assessment for 2018 ("2018 BSA/AML Risk Assessment"), and any and all documents, records and/or communications in connection with the 2018 BSA/AML Risk Assessment:

Defendant produced only 2019 Bank Secrecy Act/Anti-Money Laundering and Office of Foreign Assets Control Risk Assessment Report. Defendant should produce 2018 Bank Secrecy Act/Anti-Money Laundering and Office of Foreign Assets Control Risk Assessment Report as well along with all other documents, records and/or communications in connection with the BSA.AML Report.

28. Shinhan's Audit Committee meetings minutes from January 2019 to March 2020:

**Only Audit Committee's meeting minutes for February 26, February 27, and March 16 have been produced.*

29. Shinhan's Audit Committee reports prepared by the Chief Audit Executive from January 2019 to February 2020, and all documents related to those reports including but not limited to remediation progress reports.

31. Shinhan's Management Compliance Committee meetings minutes from August 2019 to March 2020.

• Second Notices of Discovery and Inspection

6. All documents and records including but not limited to electronic files and electronically stored information reflecting the creation of the termination letter (the "Termination Letter") purportedly drafted by Mr. Uhyun Nam dated March 17, 2020 (Bates Numbers DEF 0014 – DEF 0015).

7. All documents and records including but not limited to electronic files and electronically stored information sufficient to determine the date and time of the creation and completion of the Termination Letter.

9. All documents and records including but not limited to electronic files and electronically stored information pertaining to the Termination Letter.

15. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that "While the bank was getting Exam from the FDIC and DFS, the CAE of the Internal Audit Team made 6 major mistakes as the below which carrying out audit-related duties."

16. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that "This led to the audit result which said the bank has a high risk."

17. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that “Six audits were not completed within the expected timeframe.”

18. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that “This was not clearly reported to the Audit Committee or documented in the minutes.”

19. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that “The reports do not include the prior audit date or prior rating so it’s hard to compare.”

20. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that “The 2020 plan was not approved until the end of February.”

21. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that “There was no discussion in the minutes regarding the delay.”

22. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that “The scope and timing of the BSA audit was inadequate.”

23. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that “Mr. Song, who was the CAE of the Internal Audit Team, was negligent in performing assigned duties as mentioned above and caused a great damage to the Bank.”

24. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that “Based on the Ethics Policy violation under “Code of Conduct” in the XIV section of the Employee Handbook (related clause: You are expected to abide by the spirit of the Ethics Policy even in matters not covered specifically. Violations are grounds for discipline up to and including immediate dismissal) and the violation of the clause “k” under the “appearance and Conduct” clause of the Ethics Policy 6.9 (related clause: “Negligent in performing assigned duties,”).”

25. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that “the Audit Committee and the Board of Directors voted for Mr. Song’s termination.”

26. All documents and records including but not limited to electronic files and electronically stored information pertaining to the allegation in the Termination Letter that “the HR has concluded to terminate Mr. Song’s employment at SHBA.”

We request that Defendant produces responsive documents for the above-referenced request by October 28, 2022.

In addition, Shinhan represented that it would be willing to produce responsive documents for the following requests through electronic discovery. Please produce responsive documents for the following requests through electronic discovery by October 28, 2022:

• **First Notices of Discovery and Inspection**

18. Any and all communications including but not limited to emails regarding the Internal Audit Reports between Mr. Suh and Plaintiff.

36. Any and all communications including but not limited to emails regarding Plaintiff among Shinhan's executive officers from July 2019 to March 2020.

37. Any and all communications including but not limited to emails regarding Plaintiff among Shinhan's Audit Committee members from July 2019 to March 2020.

38. Any and all communications including but not limited to emails regarding Plaintiff between Mr. Suh and Mr. Cho, the Executive Vice President of Shinhan from July 2019 to March 2020.

39. Any and all communications including but not limited to emails regarding Plaintiff between Mr. Suh and Uhyun Nam ("Mr. Nam"), First Vice President of Shinhan from July 2019 to March 2020.

40. Any and all communications including but not limited to emails regarding Plaintiff between Mr. Cho and Mr. Nam from July 2019 to March 2020.

• **Second Notices of Discovery and Inspection**

3. All communications including but not limited to emails and intranet communications between Plaintiff and any of the Defendant's employees from January 1, 2019 to September 30, 2020 which are stored in Defendant's computer system.

4. All communications including but not limited to emails and intranet communications between Plaintiff and any of the Defendant's Audit Committee members from January 1, 2019 to September 30, 2020 which are stored in Defendant's computer system.

8. All communications including but not limited to emails and intranet communications Mr. Uhyun Nam sent and received regarding the Termination Letter.

Furthermore, Defendant represented that it would provide responsive documents for the following document production requests, but Defendant has not produced any documents yet. Please produce responsive documents for the following requests by October 28, 2022:

• **Second Notices of Discovery and Inspection**

11. All documents and records including but not limited to electronic files and electronically stored information indicating the delivery of the Termination Letter to Plaintiff.

12. All documents and records including but not limited to electronic files and electronically stored information sufficient to determine the date and time of the delivery of the Termination Letter to Plaintiff.

13. All documents and records including but not limited to electronic files and electronically stored information showing that Plaintiff received the Termination Letter.

14. All documents and records including but not limited to electronic files and electronically stored information sufficient to determine the date and time Plaintiff received the Termination Letter.

Unless Shinhan cures all of the above-mentioned deficiencies by October 28, 2022, we will be forced to seek a court intervention on this matter. In the meantime, we would like to meet and confer with you about this matter.

Thank you.

Sincerely,

/s/Byoung-Chul Yoo, Esq.